THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18224 of 1997

Dated 02-03-2007

Between:
P.Ramthullah Khan.

.....
PETITIONER

AND

The Branch Manager, Railway Station Branch, Syndicate Bank, Kadapa District & others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18224 OF 1997

O R D E R:

This writ petition is filed for a Writ of Mandamus to direct the respondent-bank to absorb the petitioner in the permanent post of attender from the date on which respondents 5 to 7 were absorbed as permanent attenders.

In the affidavit filed in support of the writ petition, it is alleged that the petitioner was appointed as an attender in the respondent-bank on 09-03-1985. After being sponsored by the Employment Exchange in the year 1986, he was selected in the interview held on 15-12-1986 and was placed at Sl.No.1 in the panel of 1986-87. He was directed to do the work at Station Road Branch, Kadapa and was empanelled and continued in the said branch. The petitioner further stated that after filing of certain writ petitions by some aggrieved parties, the respondent-bank entered into a settlement with the recognized union on 09-04-1996, which was submitted before the Industrial Tribunal of Madras, and that the Tribunal had passed an award in terms of the settlement on

04-11-1996. The said settlement was filed before this Court and the judgment was pronounced, in a batch of writ petitions, on

31-12-1996 upholding the said settlement. According to the settlement, the attenders who had completed 90 days of service between 01-01-1982 to 31-12-1989 are to be absorbed in a phased

manner and the attenders, who have worked for more than 240 days between 01-01-1982 to 31-12-1989, are to be absorbed first as regular attenders. The grievance of the petitioner is that though he had completed 247 days of service between 30-12-1986 to 22-12-1987 and enlisted at Sl.No.13, he was denied absorption, whereas the attenders enlisted at Sl.Nos.1 to 12, who have completed 240 days in a calender year, were absorbed.

Sri Y.M.Pai, the Deputy General Manager Hyderabad/respondent No.3 filed a counter affidavit, wherein it is stated that the claim of the petitioner that he had completed 240 days in a calendar year between 01-01-1982 and 31-12-1989 is not correct and that the petitioner in his applications dated 27-01-1989 and 05-02-1991 stated that he had completed 236 days of service during the year 1987 and he had also enclosed to his application dated 05-02-1991, the certificates issued by the Managers of the branches where he worked as a temporary attender. The allegation that the petitioner had completed more than 240 days of service in consecutive 12 months period between 01-01-1982 and
31-12-1989 is also denied. It is further stated that from the attendence register, it is evident that the petitioner had worked for only 208 days between
30-12-1986 and 22-12-1987 and including 13 intervening holidays, his total service between 30-12-1986 and 22-12-1987 would come to 238 days. The claim of the petitioner for preference over others is denied. According to the settlement, the candidates who have completed 240 days of service in consecutive 12 months period, shown under seniority list I in the panel, had been given preference over others for absorption as per clause (iii) of the Settlement deed dated

09-04-1996. It is further stated that as the petitioner does not fall under the category of temporary attenders, who had completed 240 days of service in consecutive period of 12 months between 01-01-1982 and 31-12-1989, he was included under list II of candidates, who have completed 90 days or more service between 01-01-1982 and 31-12-1989, as per clause (iv) of the settlement deed dated 09-04-1996.

At the time of hearing, Ms.V.Uma Devi, learned counsel representing the respondent-bank, produced the original register maintained by the respondent-bank, a perusal of which shows that the petitioner is at Sl.No.11 of 90 days panel. Learned counsel also stated that so far the attenders upto Sl.No.4 were absorbed and that the services of the petitioner would be regularized as and when his turn comes.

From the rival pleadings, it is clear that there is a serious dispute as to the number of days for which the petitioner had worked. It is not in dispute that depending upon the number of days of working, the respondent-bank has classified the attenders working on temporary basis into two categories viz. 240 days and 90 days panel and accordingly prepared the lists. Having regard to the averments made in the counter affidavit, I have no reason to disbelieve the version of the respondent-bank that the petitioner had put in less than 240 days of service, whereas respondents 5 to 7, who have rendered 240 days of service, were included in 240 days panel. I do not, therefore, see any justification to interfere with the absorption of respondents 5 to 7 as they have put in more number of days and was included in 240 days panel while the petitioner's name was included in the 90 days panel. In view of the statement made by the learned counsel for the respondent-

bank that the petitioner will be absorbed as and when his turn comes, I do not see any reason to interfere at this stage and grant any relief to him.

For the aforementioned reasons, the writ petition is dismissed. No order as to costs.

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02-03-2007

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